

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No.3355 of 2006(O&M)  
Date of decision: January 25,2007

Ashu Sharma and others V. Madan Mohan and another

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Virneder Kumar,Advocate, for the appellants.

Viney Mittal,J.(Oral)

In view of the reasons recorded in the applications, the delay in filing and refiling the present appeal is condoned.

The plaintiffs are the appellants before this Court. They have concurrently lost before the two Courts below.

The plaintiffs filed a suit for declaration claiming that a decree dated October 15,1992 obtained by defendant, Madan Mohan, was illegal, bad, null and void and not binding on the rights of the plaintiffs.

Both the courts below have upheld the aforesaid decree and have held that the decree in question had been suffered willingly and voluntarily by Raj Kumari. Consequently, the suit filed by the plaintiffs has been dismissed by the trial court and the appeal filed by them has also failed before the learned first appellate court.

Learned counsel for the plaintiff-appellants has fairly informed the court that original suit in question was filed by the present plaintiff-appellants along with aforesaid Raj Kumari, but later on said Raj Kumari had withdrawn the suit.

Keeping in view the findings of fact recorded by the two courts below, which are not shown to be erroneous and also the fact that Raj Kumari herself gave up her challenge to the decree in question, I do not find any scope for interference in the present regular second appeal.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 25,2007  
sks

( Viney Mittal )  
Judge